

10/5/99 VACATION OF UTILITY EASEMENT,
AUDITORS SUBD #319 & WHITE
OAKS 6TH, 4617 TOWNES ROAD

TRANSFER ENTERED
HENNEPIN COUNTY TAXPAYER SERVICES

DEC 8 1999

HENNEPIN COUNTY MINN.
BY [Signature] DEPUTY

REC FEE 15-
COPY FEE 17-

7225688

OFFICE OF COUNTY RECORDER
HENNEPIN COUNTY, MINNESOTA

CERTIFIED FILED AND OR
RECORDED ON

99 DEC -8 AM 11:14

7225688

CO. REC.

BY [Signature] DEPUTY

**NOTICE OF COMPLETION OF PROCEEDINGS ON VACATION OF
EASEMENT FOR UTILITY AND DRAINAGE
PURPOSES IN THE CITY OF EDINA, HENNEPIN COUNTY, MINNESOTA**

NOTICE IS HEREBY GIVEN that the City Council of Edina, Hennepin County, Minnesota, on October 5, 1999, adopted a Resolution Vacating the Easement for Drainage and Utility Purposes after public hearing and notice thereof as required by law and after determining it to be in the best interest of the City and of the public that said easement vacation be made, which resolution ordered the vacation of the following described easement for utility and drainage purposes:

The south two feet of a permanent ten foot (10') wide easement through Lot 3, Auditor's Subdivision No. 319 and Lot 9, White Oaks 6th Addition, the center line of which easement is described as follows:

Beginning at a point on the east line of said Lot 9, six feet (6') southerly of the northeast corner of said Lot 9; thence westerly to a point which is five feet (5') southerly of the northerly line of said Lot 9 and five feet (5') east of the west line of said Lot 9, both measurements being at right angles to said lot lines; thence westerly to a point in the southeasterly line of Townes Road Circle, which point is nine feet (9') southwestly from the most northerly corner of said Lot 3, Auditor's Subdivision No. 319.

Said vacation did not affect, and there was continued, reserved, and retained, by the said resolution ordering the vacation, the following existing easements and authority in, on and under the above vacated area:

(a) The authority of Northern States Power Company, US West Communications, Paragon Cable Minnesota, or Minnegasco to enter upon the above vacated area for the maintenance, replacement, repair and removal of and for otherwise attending to, underground conduit, manholes, cables, wires and poles required for utility service now in, on or under the above vacated area.

The time of completion of proceedings and the effective date of said vacation is 5th day of October, 1999,

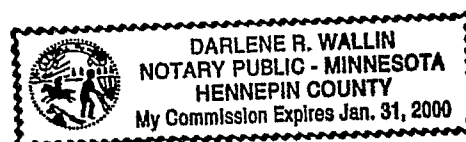
BY ORDER OF THE CITY COUNCIL,
CITY OF EDINA

[Signature]
City Clerk

Signed and sworn to before me, a Notary Public in and for the State of Minnesota, County of Hennepin, this 30th day of November, 1999.

This document was drafted by:
City of Edina
4801 West 50th Street
Edina, MN 55424

[Signature]
Notary Public



JEROME P. GILLIGAN

DORSEY & WHITNEY LLP
PILLSBURY CENTER SOUTH
220 SOUTH SIXTH STREET
MINNEAPOLIS, MINNESOTA 55402-1498

OFFICE: (612) 340-2962
FAX: (612) 340-2644

From:

deETT ALLEN

Phone: (612) 340-2882

Fax: (612) 340-2644

Date: 1/14/2000

To:

Jerry Gilligan - 19

☐ For your information

☐ Please attend to

☐ Per your request

☐ Per our discussion

☐ For your review
and comments

☐ Please call me or
respond

☒ For the files

☐ Returning to you

*The stamped copy was returned
to Kathy M. 12/8/99. This is the
original now being returned.
deett*

OFFICE OF COUNTY RECORDER
HENNEPIN COUNTY, MINNESOTA

CERTIFIED FILED AND OR
RECORDED ON

99 DEC -8 AM 11:14

DOCUMENT # 225688
CO. REC.

BY [Signature] DEPUTY

TRANSFER ENTERED
HENNEPIN COUNTY TAXPAYER SERVICES

DEC 8 1999

Duplicate
Filing
Certificate

HENNEPIN COUNTY MINN.
BY [Signature] DEPUTY

**NOTICE OF COMPLETION OF PROCEEDINGS ON VACATION OF
EASEMENT FOR UTILITY AND DRAINAGE
PURPOSES IN THE CITY OF EDINA, HENNEPIN COUNTY, MINNESOTA**

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Beginning at a point on the east line of said Lot 9, six feet (6') southerly of the northeast corner of said Lot 9; thence westerly to a point which is five feet (5') southerly of the northerly line of said Lot 9 and five feet (5') east of the west line of said Lot 9, both measurements being at right angles to said lot lines; thence westerly to a point in the southeasterly line of Townes Road Circle, which point is nine feet (9') southwesterly from the most northerly corner of said Lot 3, Auditor's Subdivision No. 319.

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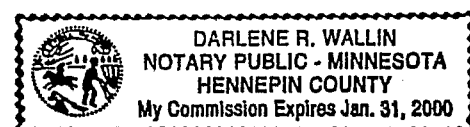
BY ORDER OF THE CITY COUNCIL,
CITY OF EDINA

[Signature]
City Clerk

Signed and sworn to before me, a Notary Public in and for the State of Minnesota, County of Hennepin, this 30th day of November, 1999.

This document was drafted by:
City of Edina
4801 West 50th Street
Edina, MN 55424

[Signature]
Notary Public



Minneapolis, Minn., 12-8 1999

HENNEPIN COUNTY RECORDER

WISCONSIN
KENNEPIN COUNTY RECORDER

Please charge against our deposit with you for the record of the following instruments: ACCOUNT NUMBER.

Please charge against our deposit with you for the record of the following instruments: ACCOUNT NUMBER _____		
Dock No.	Inst.	
		Abstract: lot 3, Aud. Sub. 319.
		1 lot 9, White Oaks 6th Addn
		7136-94802-168
		file
		TOTAL . . . 20.50

HC 1034

Dorsey & Whitney
(FIRM NAME)

TOTAL . .

By

20/50



City of Edina

November 30, 1999

Mr. Jerry Gilligan
Dorsey & Whitney
220 South 6th Street
Minneapolis, MN 55402-1498

RE: Notice of Completion for utility vacations 4617 Townes Road and 5811
Vernon Lane

Dear Jerry:

I am enclosing two Notices of Completion for two vacations the City Council approved on October 5 and November 1, 1999, respectively, for the above mentioned vacations.

Please have the Notices of Completion entered in the transfer record of the county Auditor and filed with the County Recorder and then return the recorded documents to me.

Sincerely,

Debra A. Mangan
City Clerk



REPORT/RECOMMENDATION

To: Mayor & City Council	Agenda Item # <u>II.A.</u>
From: Francis J. Hoffman <i>FJH</i> City Engineer	Consent <input type="checkbox"/>
Date: 5 October, 1999	Information Only <input type="checkbox"/>
Subject: Vacation of Easement for Sanitary Sewer at 4617 Townes Road	Mgr. Recommends <input type="checkbox"/> To HRA
	<input checked="" type="checkbox"/> To Council
	Action <input type="checkbox"/> Motion
	<input checked="" type="checkbox"/> Resolution
	<input type="checkbox"/> Ordinance
	<input type="checkbox"/> Discussion

Recommendation:

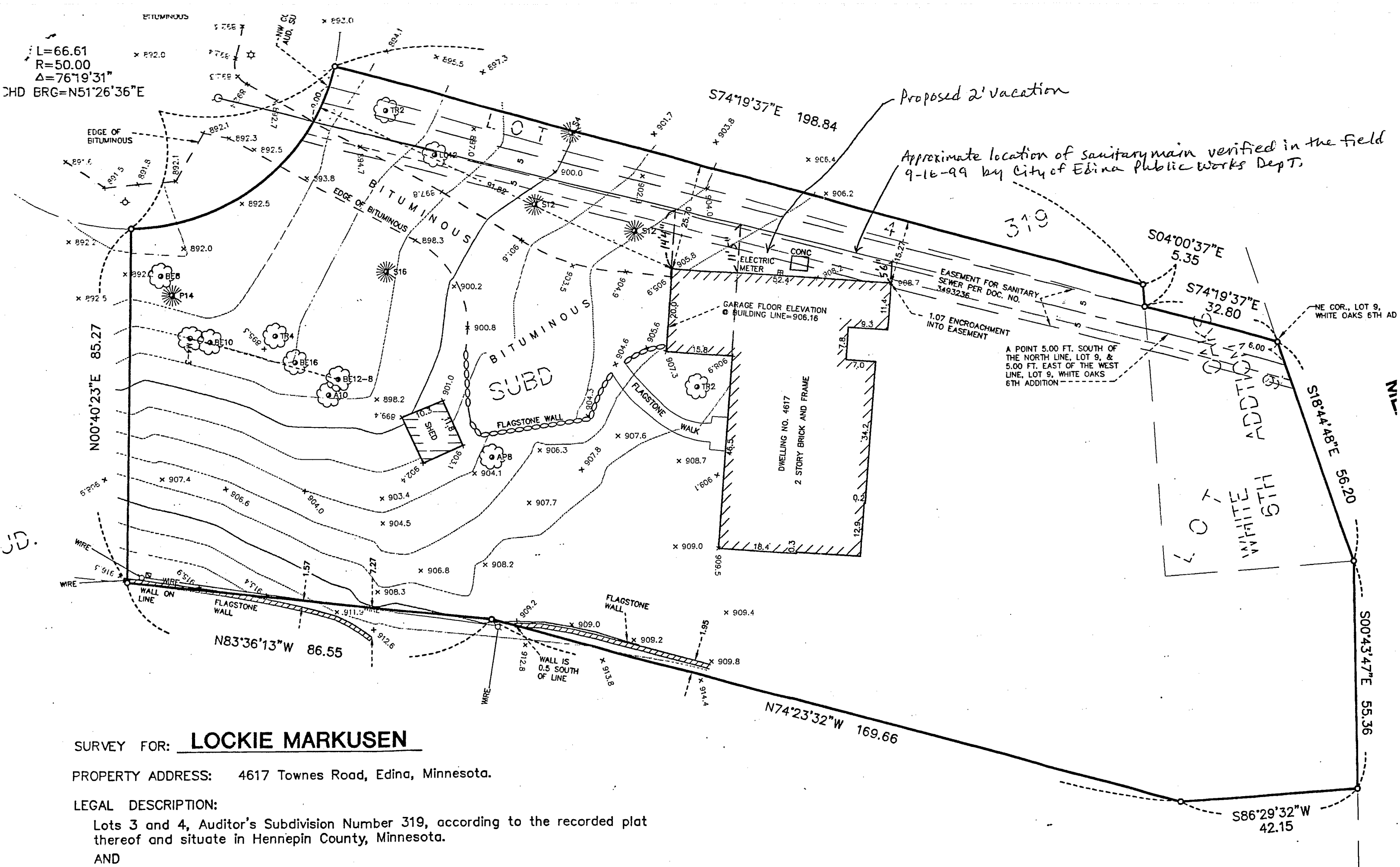
Vacate only the southerly 2' (two feet) to remove encroachment under northeast corner of existing house and allow for new construction on the westerly end of the home.

Info/Background:

Proponent had originally requested that the City vacate the easement with the idea that the sewer would be relocated to allow for new home restructuring. The proposal has been restructured and the proponent is now requesting that the City vacate the southerly two feet only. This would remove an existing encroachment at the northeast corner of the home and allow for some new home construction on the westerly end.

Staff has reviewed the request and would recommend the requested two foot vacation of the sanitary sewer easement. Other utilities do not have an issue with this request.

L=66.61
R=50.00
Δ=76°19'31"
CHD BRG=N51°26'36"E



SURVEY FOR: **LOCKIE MARKUSEN**

PROPERTY ADDRESS: 4617 Townes Road, Edina, Minnesota.

LEGAL DESCRIPTION:

Lots 3 and 4, Auditor's Subdivision Number 319, according to the recorded plat thereof and situate in Hennepin County, Minnesota.

AND

Lot 9, WHITE OAKS 6TH ADDITION, according to the recorded plat thereof and situate in Hennepin County, Minnesota.

(Official Publication)
CITY OF EDINA
4801 WEST 50TH STREET
NOTICE OF PUBLIC HEARING ON
VACATION OF PUBLIC DRAINAGE AND UTILITY EASEMENT
4617 TOWNES CIRCLE

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Minnesota will meet on October 5, 1999, at 7:00 p.m., in the Council Chambers at 4801 West 50th Street for a public hearing for vacation of public drainage and utility easements as shown on the recorded plat thereof, described as follows:

The south 2 feet (2') of

a permanent ten foot (10') wide easement through Lot 3, Auditor's Subdivision No. 319 and Lot 9, White Oaks 6th Addition, the center line of which easement is described as follows:

Beginning at a point on the east line of said Lot 9, six feet (6') southerly of the northeast corner of said Lot 9; thence westerly to a point which is five feet (5') southerly of the northerly line of said Lot 9 and five feet (5') east of the west line of said Lot 9, both measurements being at right angles to said lot lines; thence westerly to a point in the southeasterly line of Townes Road Circle, which point is nine feet (9') southwestly from the most northerly corner of said Lot 3, Auditor's Subdivision No. 319.

All persons who desire to be heard with respect to the question of whether or not the proposed easement vacation is in the public interest and should be made shall be heard at said time and place. The council shall consider the extent to which such proposed easement vacation affects existing easements within the area of the proposed vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric, telephone or cable television poles and lines, gas and sewer lines, or water pipes, mains, and hydrants on or under the area of the proposed vacation, to continue maintaining the same or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove, or otherwise attend thereto, for the purpose of specifying, in any such vacation resolution, the extent to which any or all of such easement, and such authority to maintain, and to enter upon the area of the proposed vacation, shall continue.

BY ORDER OF THE EDINA CITY COUNCIL

Debra A. Mangen, City Clerk

Dated: September 7, 1999

Publish in the Edina Sun-Current on Wednesday, September 15 and 22, 1999

Send two affidavits of publication

Bill to City Clerk



City Of Edina, Minnesota

DEPARTMENT OF ADMINISTRATION

4801 West 50th Street, Edina, Minnesota 55424-1394

Phone • (612) 927-8861 TDD • (612) 826-0379 Fax • (612) 826-0390

STREET AND/OR EASEMENT VACATION REVIEW

Proposed Property/Area To Be Vacated: 4617 Townes CircleCity Engineer by _____ ☐ Acceptable ☐ Opposed ☐ ConditionalMinnegasco by _____ ☐ Acceptable ☐ Opposed ☐ ConditionalNSP by _____ ☐ Acceptable ☐ Opposed ☐ ConditionalParagon Cable by _____ ☐ Acceptable ☐ Opposed ☐ ConditionalU.S. West by MIKE JOHNSON ☐ Acceptable ☐ Opposed ☒ Conditional

Conditions:

US WEST HAS A BURIED 25 PAIR
CABLE 35' FEET ADJACENT OR ON
EASEMENT, NOT OPPOSED AS LONG AS
CABLE MAY STAY IN PLACE OR
CUSTOMER MAY PAY TO HAVE
RE-LOCATED.

Location:

4617 TOWNES CIRCLE

Being field checked

Please sign and return indicating receipt of notice

Return to:

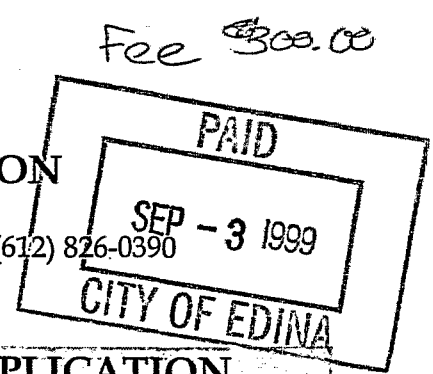
City Clerk
 City of Edina
 4801 W. 50th Street
 Edina, MN 55424
 Telephone: 826-0408
 Fax: 826-0390

FH -

Mike doesn't think
 this will be a problem
 but he will field locate
 and get back to me
 today (Yeah, right!)
 He thinks this line goes
 to a pedestal on the
 prop. line. - not in
 our easement. *RAH*



City Of Edina, Minnesota
DEPARTMENT OF ADMINISTRATION
4801 West 50th Street, Edina, Minnesota 55424-1394
Phone • (612) 927-8861 TDD • (612) 826-0379 Fax • (612) 826-0390



PUBLIC RIGHT OF WAY VACATION APPLICATION

Applicant Steven B. Markusen + Lockie Brenton Markusen
Print Name

Address 4617 Townes Circle Edina mn 55424
Street City/State Zip

Telephone No. 612 920-8116 Fax No. 612 920 2840

I hereby petition the City Council of the City of Edina to vacate all of the following described public right of way pursuant to M.S. 412.851 and Edina Code Section 820:

- ☐ Street ☐ Alley ☒ Utility Easement
☐ Drainage Easement ☐ Other _____

Legal description of the area proposed to be vacated:

See attached

Does the area proposed to be vacated or any part thereof terminate at or abut upon any public water? ☐ Yes ☒ No

Please note if the area requested to be vacated terminates at or abuts upon any public water, no vacation shall be made unless written notice of the petition is served by certified mail upon the commissioner of natural resources by the City of Edina thirty days before any Council action.

Attach a copy of a scaled drawing showing in full detail the area proposed to be vacated.

Date Initiated 9/1/99 Signature B Markusen

A permanent ten foot (10') wide easement through Lot 3, Auditor's Subdivision No. 319 and Lot 9, White Oaks 6th Addition, the center line of which easement is described as follows:

Beginning at a point on the east line of said Lot 9, six feet (6') southerly of the northeast corner of said Lot 9; thence westerly to a point which is five feet (5') southerly of the northerly line of said Lot 9 and five feet (5') east of the west line of said Lot 9, both measurements being at right angles to said lot lines; thence westerly to a point in the southeasterly line of Townes Road Circle, which point is nine feet (9') southwesterly from the most northerly corner of said Lot 3, Auditor's Subdivision No. 319.

740

L=66.61
R=50.00
Δ=76°19'31"
CHD BRG=N51°26'36"E

EDGE OF BITUMINOUS

1/4" COR. TO ADJ. SUB. NO.

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LOCKIE MARKUSEN

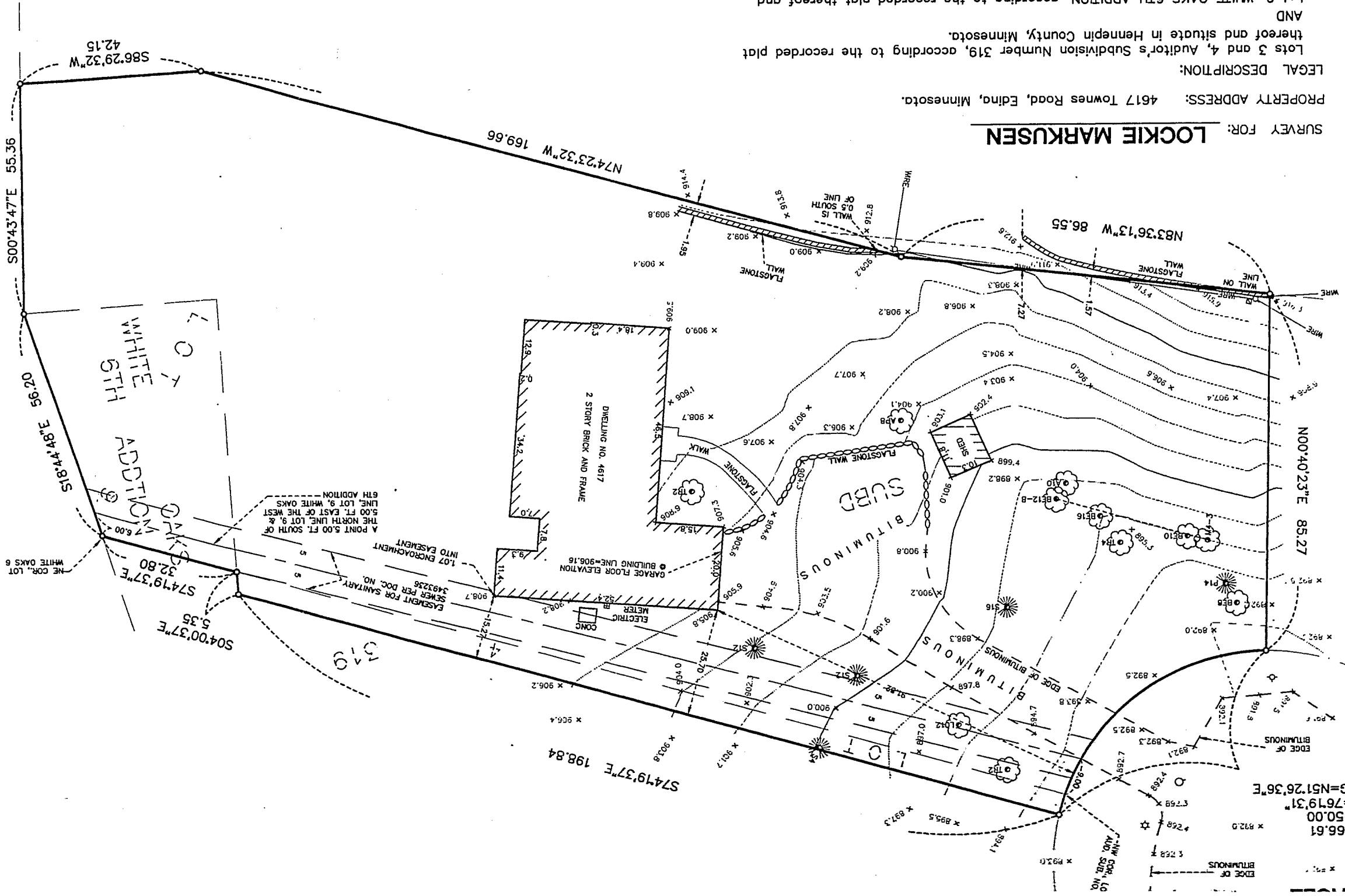
PROPERTY ADDRESS: 4617 Townes Road, Edina, Minnesota.

LEGAL DESCRIPTION:

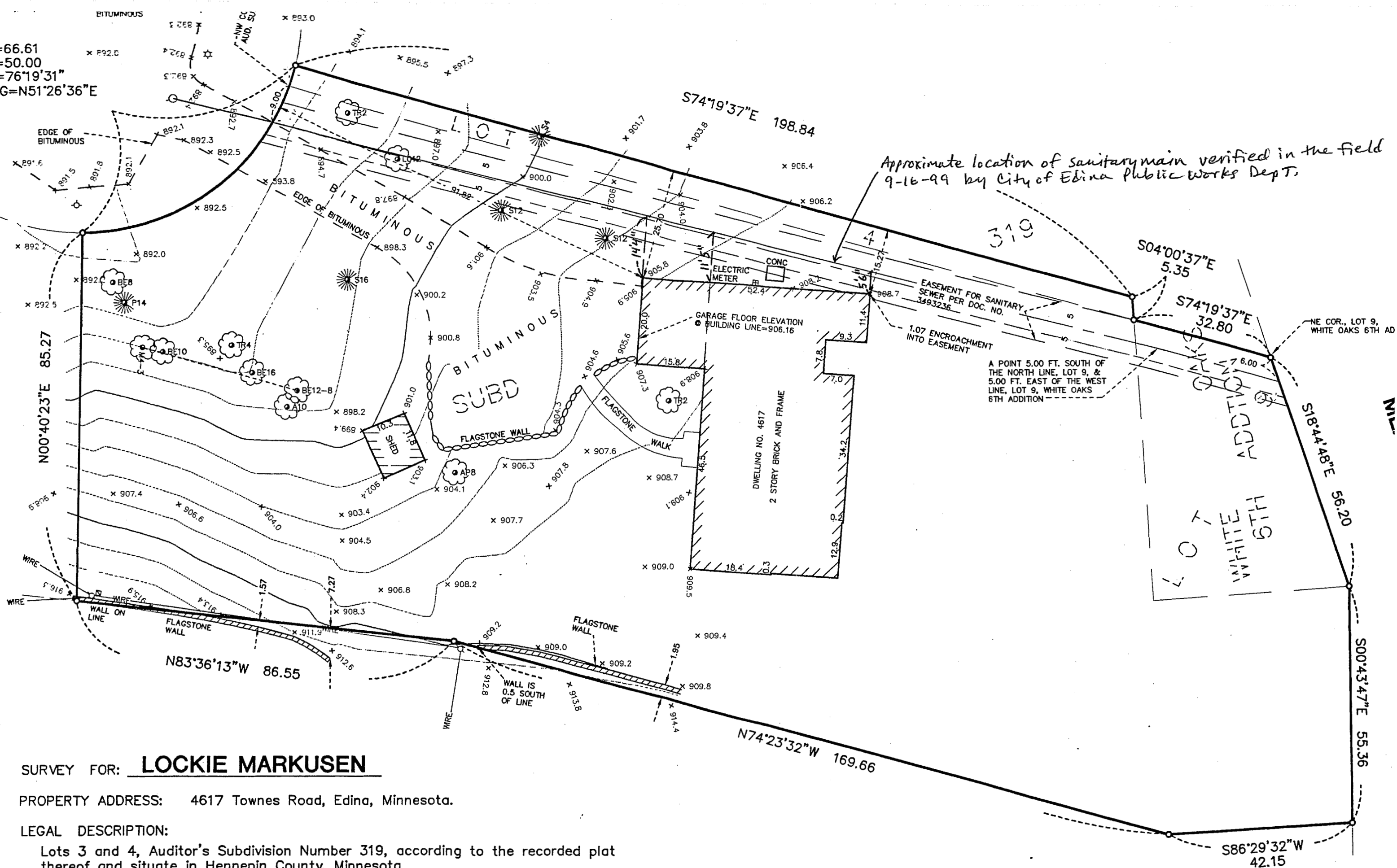
Lots 3 and 4, Auditor's Subdivision Number 319, according to the recorded plat thereof and situate in Hennepin County, Minnesota.

AND

Lot 9, WHITE OAKS 6TH ADDITION, according to the recorded plat thereof and situate in Hennepin County, Minnesota.



L=66.61
R=50.00
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CHD BRG=N51°26'36"E



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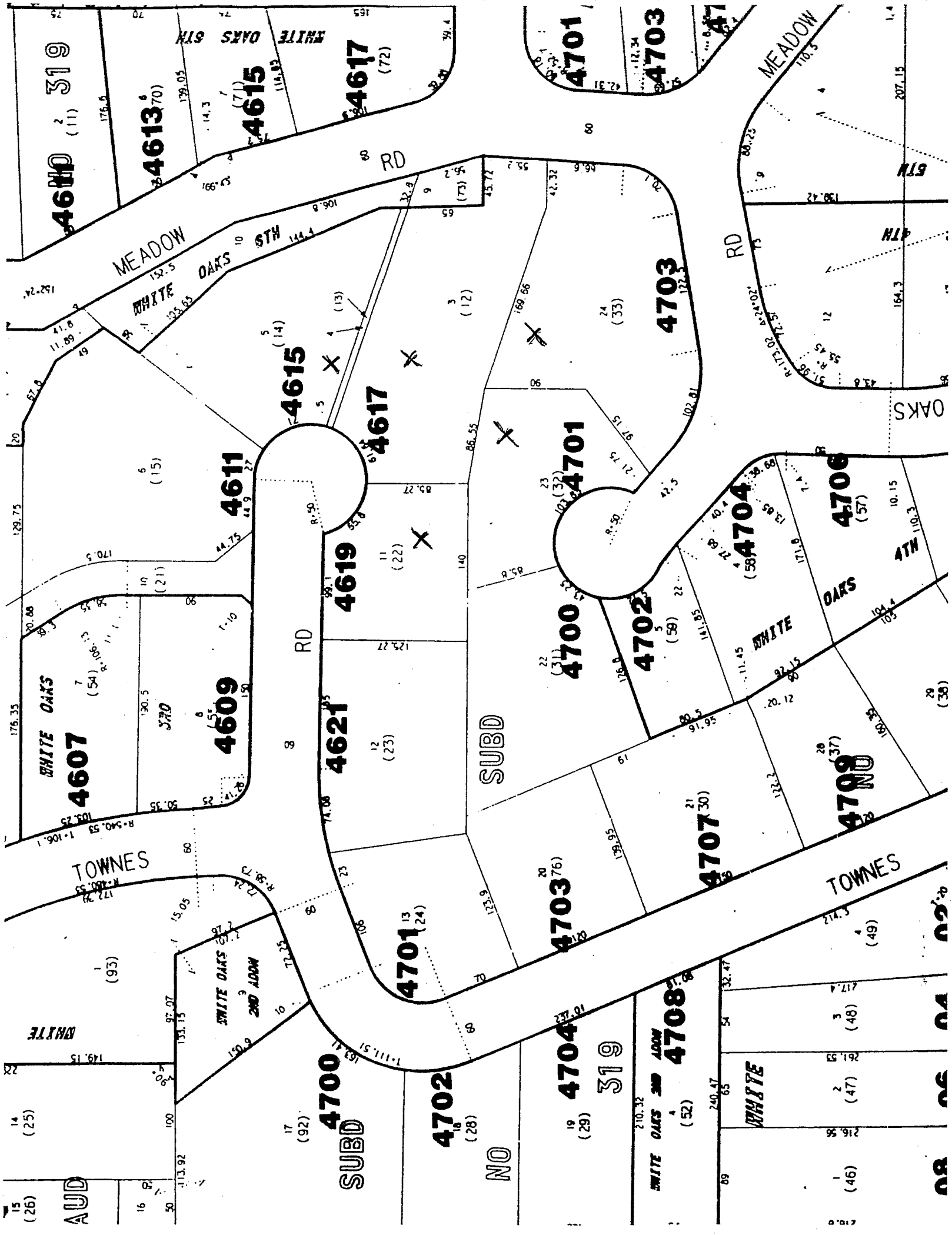
18-028-24-11-0012
Steven & Lockie Markusen
4617 Townes Circle
Edina, MN 55424

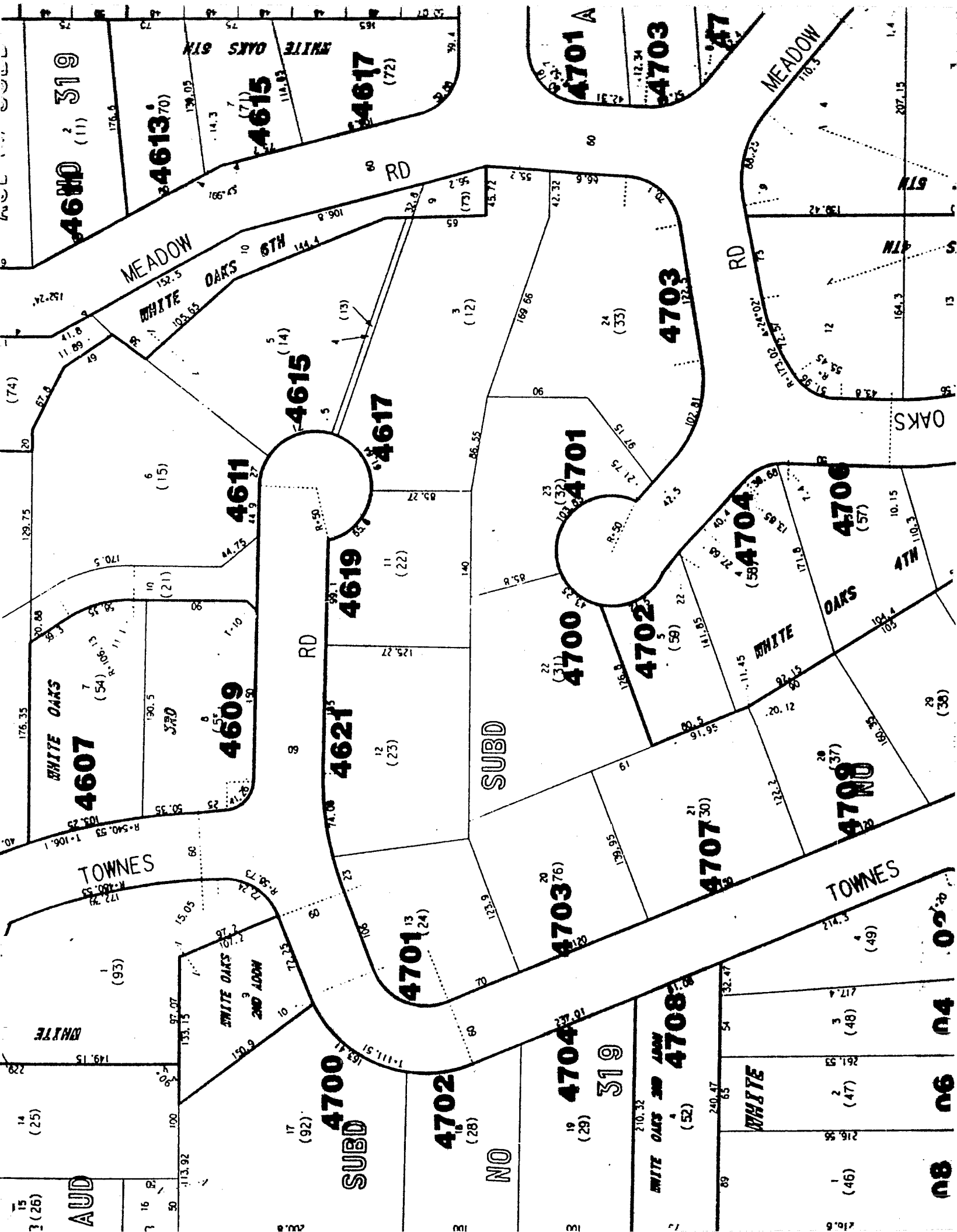
18-028-24-11-0022
Michael & Gail Milchman
4619 Townes Circle
Edina, MN 55424

18-028-24-11-0032
Frank Johnson
4701 White Oaks Road
Edina, MN 55424

18-028-24-11-0033
Helen Craddick
4703 White Oaks Road
Edina, MN 55424

18-028-24-11-0014
Roberta Rotering
4615 Townes Circle
Edina, MN 55424



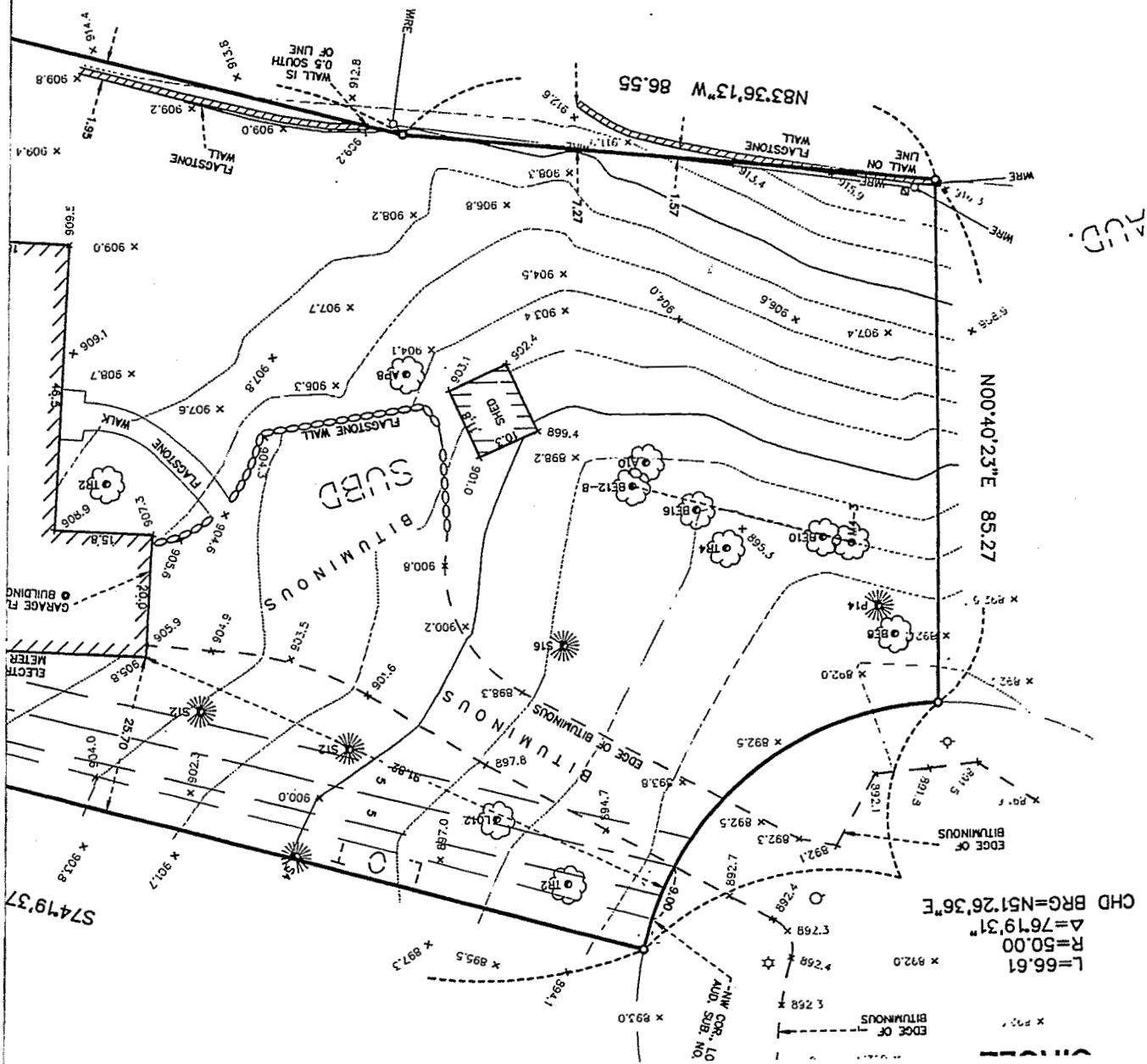


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PROPERTY ADDRESS: 4617 Townes Road, Edina, Minnesota.

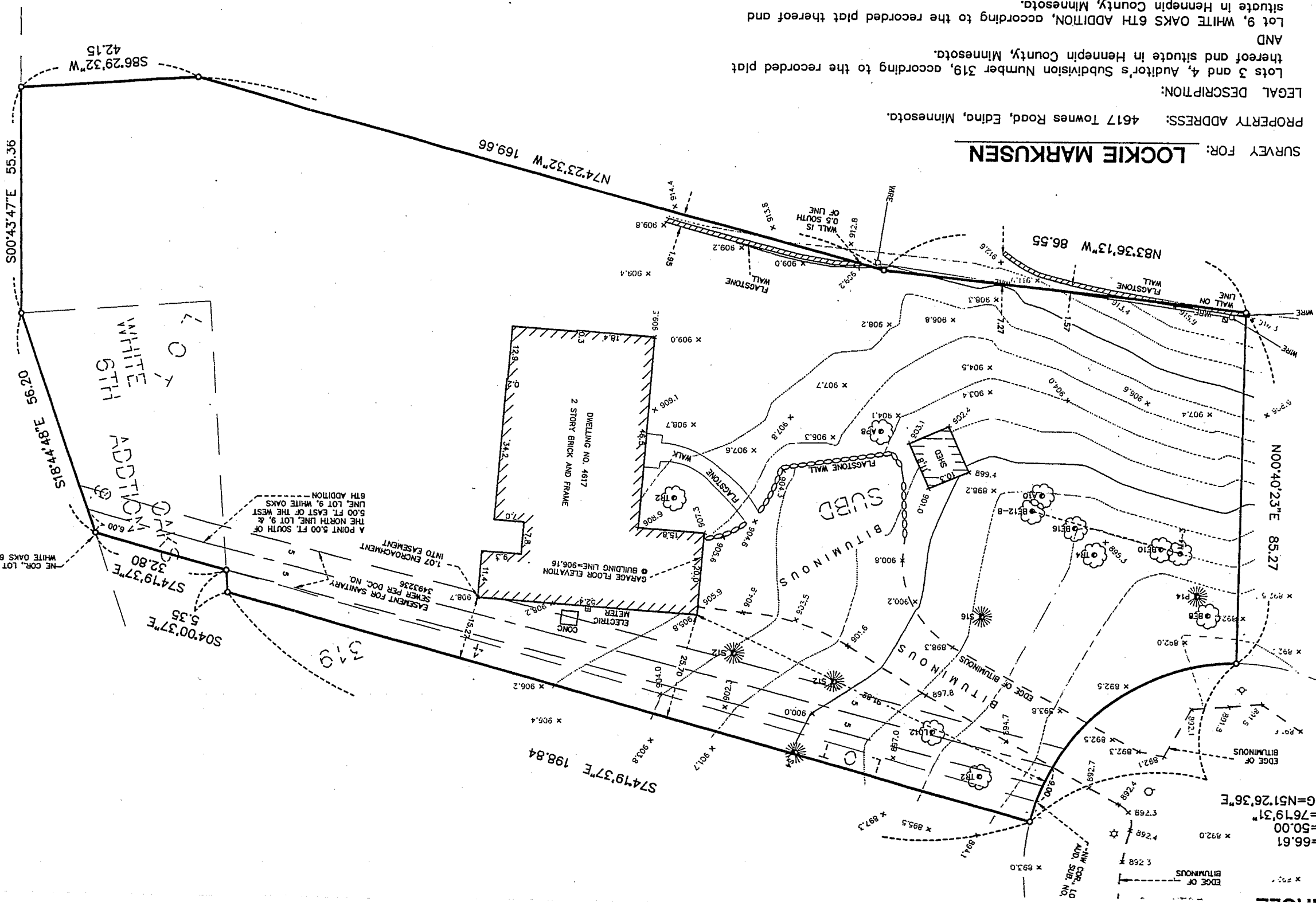
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74UD

L=66.61
R=50.00
Δ=76°19'31"
CHD BRG=NS1°26'36"E



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City Of Edina, Minnesota

DEPARTMENT OF ADMINISTRATION

4801 West 50th Street, Edina, Minnesota 55424-1394

Phone • (612) 927-8861 TDD • (612) 826-0379 Fax • (612) 826-0390

STREET AND/OR EASEMENT VACATION REVIEW

Proposed Property/Area To Be Vacated: 4617 Townes Circle

City Engineer by _____ ☐ Acceptable ☐ Opposed ☐ Conditional

Minnegasco by _____ ☐ Acceptable ☐ Opposed ☐ Conditional

NSP by _____ ☐ Acceptable ☐ Opposed ☐ Conditional

Paragon Cable by Amy Dols ☒ Acceptable ☐ Opposed ☐ Conditional

U.S. West by _____ ☐ Acceptable ☐ Opposed ☐ Conditional

Conditions:

Location:

Please sign and return indicating receipt of notice. Thank you for your cooperation.

Return to:

City Clerk
City of Edina
4801 W. 50th Street
Edina, MN 55424
Telephone: 826-0408
Fax: 826-0390



City Of Edina, Minnesota
DEPARTMENT OF ADMINISTRATION
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STREET AND/OR EASEMENT VACATION REVIEW

Proposed Property/Area To Be Vacated: 4617 Townes Circle

City Engineer by _____ ☐ Acceptable ☐ Opposed ☐ Conditional

9-24-99 Minnegasco by Steven Van Buren ☒ Acceptable ☐ Opposed ☐ Conditional

NSP by _____ ☐ Acceptable ☐ Opposed ☐ Conditional

Paragon Cable by _____ ☐ Acceptable ☐ Opposed ☐ Conditional

U.S. West by _____ ☐ Acceptable ☐ Opposed ☐ Conditional

Conditions: _____

Location: _____

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Return to: City Clerk
City of Edina
4801 W. 50th Street
Edina, MN 55424
Telephone: 826-0408
Fax: 826-0390



AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA)

ss.

COUNTY OF HENNEPIN)

Frank Chilinski, being duly sworn on an oath states or affirms, that he is the publisher of the newspaper known as Sun-Current, or the president's designated agent, and has full knowledge of the facts stated below:

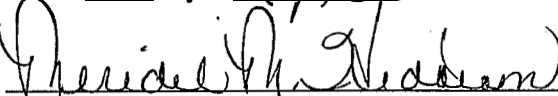
(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided by Minn. Stat. §331A.02, §331A.07, and other applicable laws, as amended.

(B) The printed public notice that is attached was published in the newspaper once each week, for two successive weeks; it was first published on Wednesday, the 15 day of September, 1999, and was thereafter printed and published on every Wednesday to and including Wednesday, the 22 day of September, 1999; and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

abcdefghijklmnopqrstuvwxyz


Publisher

Subscribed and sworn to or affirmed before me
on this 22 day of Sept, 1999.





RATE INFORMATION

- | | |
|---|-------------------------|
| (1) Lowest classified rate paid by commercial users
for comparable space | \$ <u>2.55 per line</u> |
| (2) Maximum rate allowed by law | \$ <u>6.20 per line</u> |
| (3) Rate actually charged | \$ <u>1.30 per line</u> |

City of Edina

(Official Publication)

CITY OF EDINA

4801 WEST 50TH STREET

NOTICE OF PUBLIC HEARING ON
VACATION OF PUBLIC DRAINAGE AND UTILITY
EASEMENT
4617 TOWNES CIRCLE

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Minnesota will meet on October 5, 1999, at 7:00 p.m., in the Council Chambers at 4801 West 50th Street for a public hearing for vacation of public drainage and utility easements as shown on the recorded plat thereof, described as follows:

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BY ORDER OF THE EDINA CITY COUNCIL

Debra A. Mangen, City Clerk

Dated: September 7, 1999

(September 15 and 22, 1999) D1/ Vacation



City of Edina

September 15, 1999

Mr. Patrick Cline
Norther States Power Company
5309 West 70th Street
Edina, MN 55435

Re: Vacation of Utility Easement 4617 Townes Circle

Dear Patrick:

I am sending copies of the public hearing notices, exhibits from the vacation request, and an Edina check off sheet for both above referenced vacation request received by my office. The City Council has scheduled the public hearing for this vacation on October 5, 1999. I would very much appreciate your response by Tuesday September 28, 1999, if possible. This allows time for City staff to complete necessary work before the public hearing. If I may answer any questions regarding this matter or if you need any other documentation please feel free to contact me at your convenience.

Sincerely,

Debra Mangen
Debra Mangen
City Clerk

Enclosures

9/16/99
Greg,
Please respond.
Thanks,
Patrick



City Of Edina, Minnesota
DEPARTMENT OF ADMINISTRATION
4801 West 50th Street, Edina, Minnesota 55424-1394
Phone • (612) 927-8861 TDD • (612) 826-0379 Fax • (612) 826-0390

STREET AND/OR EASEMENT VACATION REVIEW

Proposed Property/Area To Be Vacated: 4617 Townes Circle

City Engineer by _____	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Opposed	<input type="checkbox"/> Conditional
Minnegasco by _____	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Opposed	<input type="checkbox"/> Conditional
NSP by <u><i>Andy Shippin</i></u>	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Opposed	<input type="checkbox"/> Conditional
Paragon Cable by _____	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Opposed	<input type="checkbox"/> Conditional
U.S. West by _____	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Opposed	<input type="checkbox"/> Conditional

Conditions: _____

Location: _____

Please sign and return indicating receipt of notice. Thank you for your cooperation.

Return to: City Clerk
City of Edina
4801 W. 50th Street
Edina, MN 55424
Telephone: 826-0408
Fax: 826-0390

(Official Publication)
CITY OF EDINA
4801 WEST 50TH STREET
NOTICE OF PUBLIC HEARING ON
VACATION OF PUBLIC DRAINAGE AND UTILITY EASEMENT
4617 TOWNES CIRCLE

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Minnesota will meet on October 5, 1999, at 7:00 p.m., in the Council Chambers at 4801 West 50th Street for a public hearing for vacation of public drainage and utility easements as shown on the recorded plat thereof, described as follows:

A permanent ten foot (10') wide easement through Lot 3, Auditor's Subdivision No. 319 and Lot 9, White Oaks 6th Addition, the center line of which easement is described as follows:

Beginning at a point on the east line of said Lot 9, six feet (6') southerly of the northeast corner of said Lot 9; thence westerly to a point which is five feet (5') southerly of the northerly line of said Lot 9 and five feet (5') east of the west line of said Lot 9, both measurements being at right angles to said lot lines; thence westerly to a point in the southeasterly line of Townes Road Circle, which point is nine feet (9') southwesterly from the most northerly corner of said Lot 3, Auditor's Subdivision No. 319.

All persons who desire to be heard with respect to the question of whether or not the proposed easement vacation is in the public interest and should be made shall be heard at said time and place. The council shall consider the extent to which such proposed easement vacation affects existing easements within the area of the proposed vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric, telephone or cable television poles and lines, gas and sewer lines, or water pipes, mains, and hydrants on or under the area of the proposed vacation, to continue maintaining the same or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove, or otherwise attend thereto, for the purpose of specifying, in any such vacation resolution, the extent to which any or all of such easement, and such authority to maintain, and to enter upon the area of the proposed vacation, shall continue.

BY ORDER OF THE EDINA CITY COUNCIL

Debra A. Mangen, City Clerk

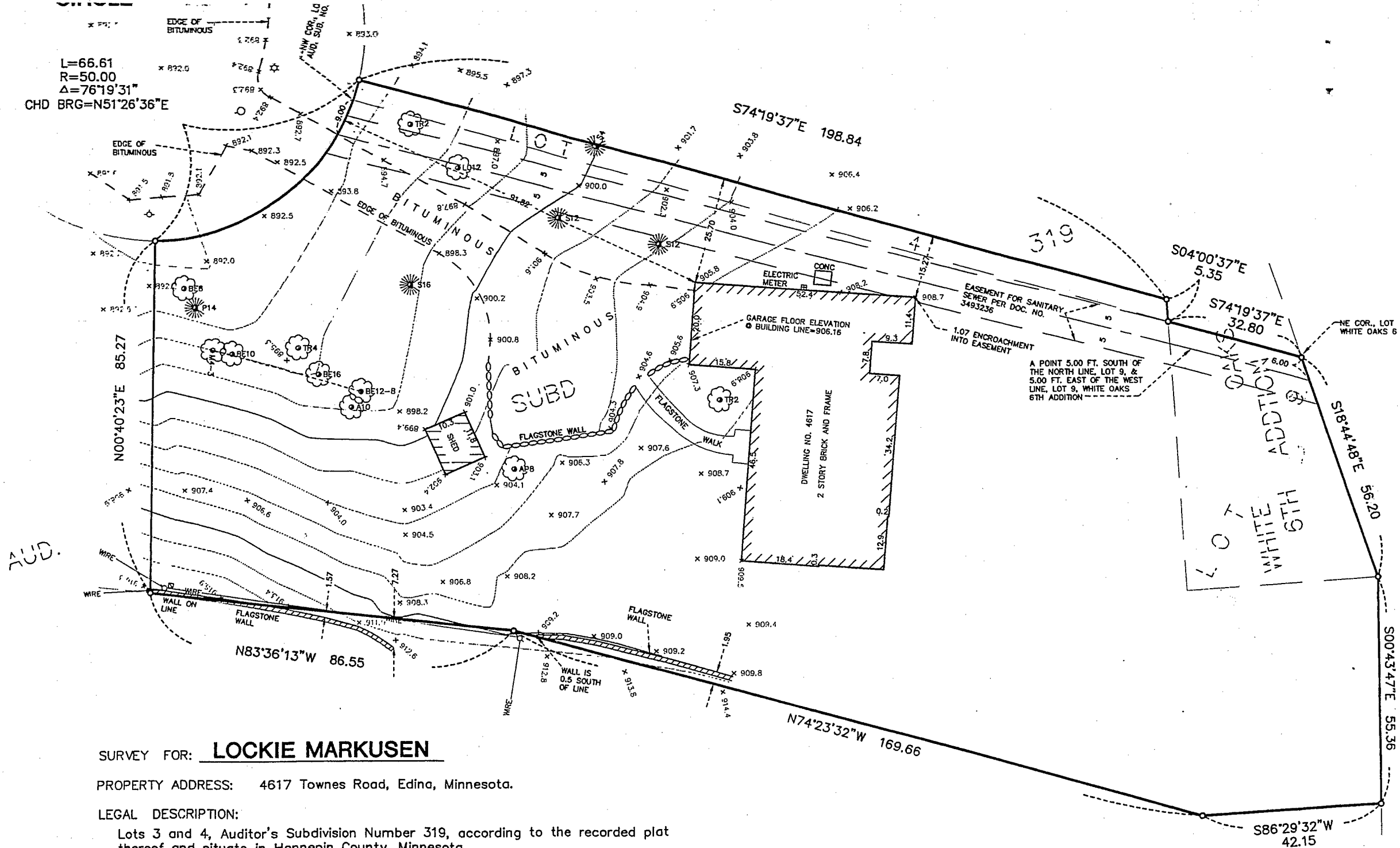
Dated: September 7, 1999

Publish in the Edina Sun-Current on Wednesday, September 15 and 22, 1999

Send two affidavits of publication

Bill to City Clerk

L=66.61
R=50.00
Δ=76°19'31"
CHD BRG=N51°26'36"E



SURVEY FOR: **LOCKIE MARKUSEN**

PROPERTY ADDRESS: 4617 Townes Road, Edina, Minnesota.

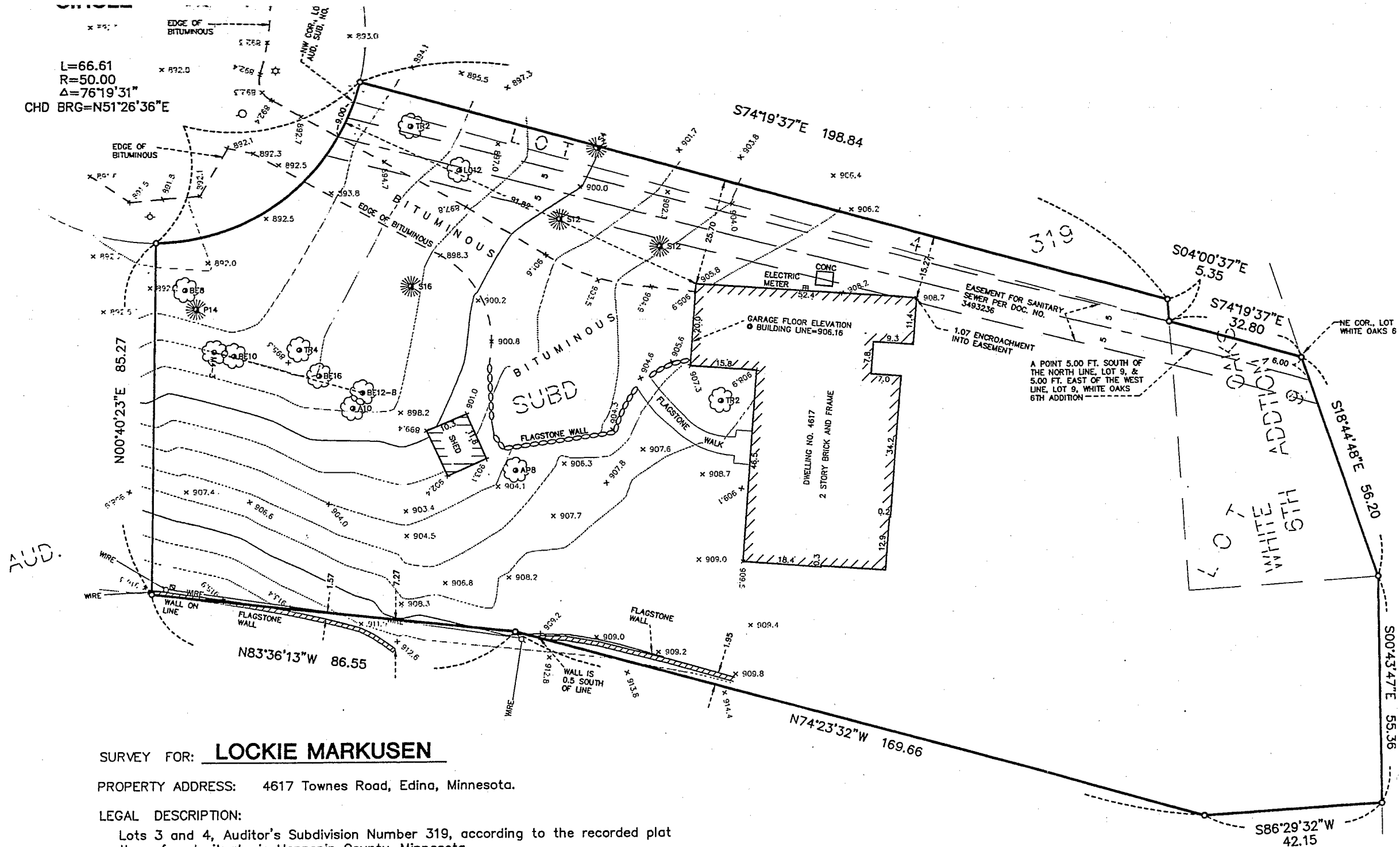
LEGAL DESCRIPTION:

Lots 3 and 4, Auditor's Subdivision Number 319, according to the recorded plat thereof and situate in Hennepin County, Minnesota.

AND

Lot 9, WHITE OAKS 6TH ADDITION, according to the recorded plat thereof and situate in Hennepin County, Minnesota.

$L=66.61$
 $R=50.00$
 $\Delta=76^{\circ}19'31''$
 CHD BRG= $N51^{\circ}26'36''E$



SURVEY FOR: **LOCKIE MARKUSEN**

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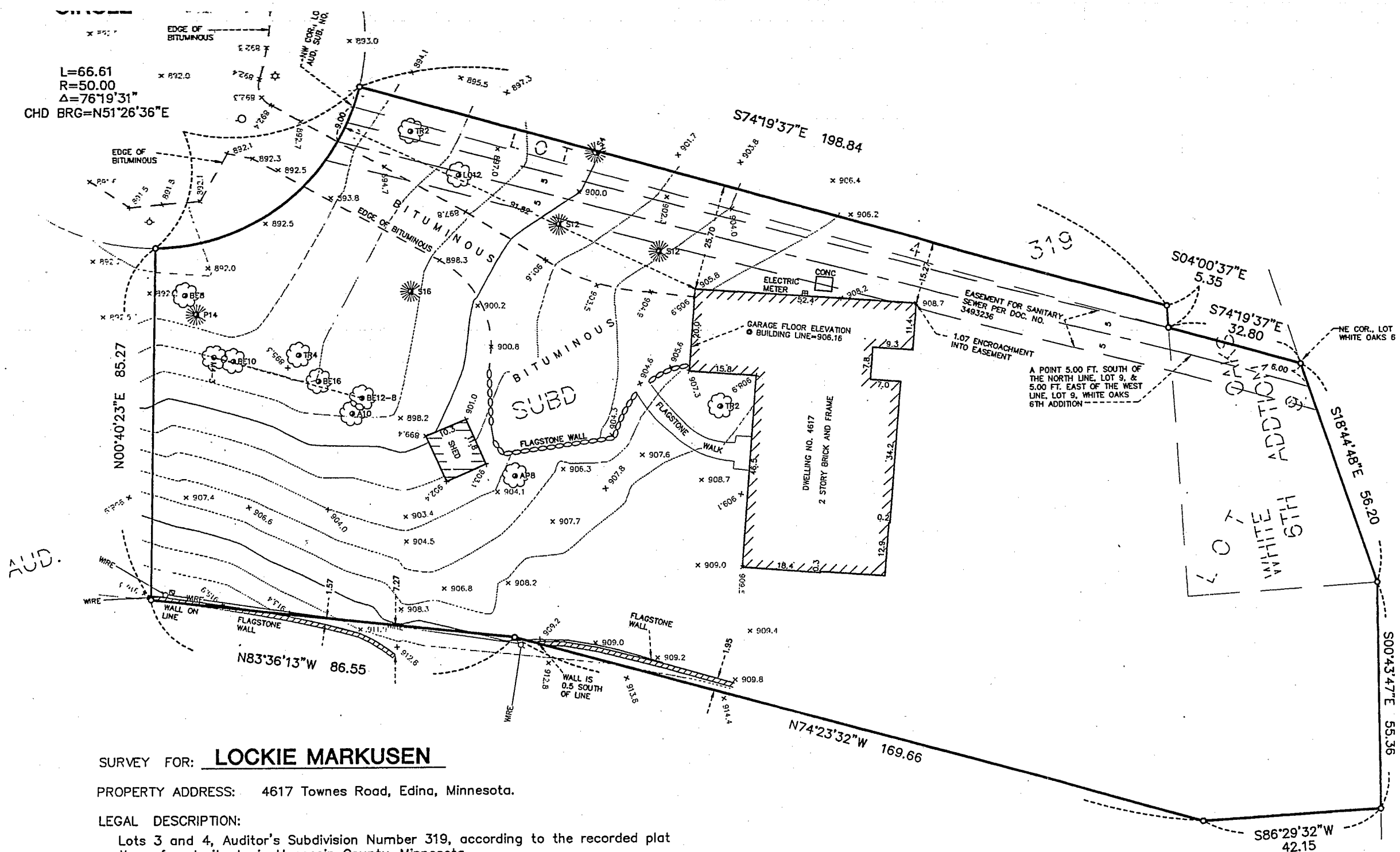
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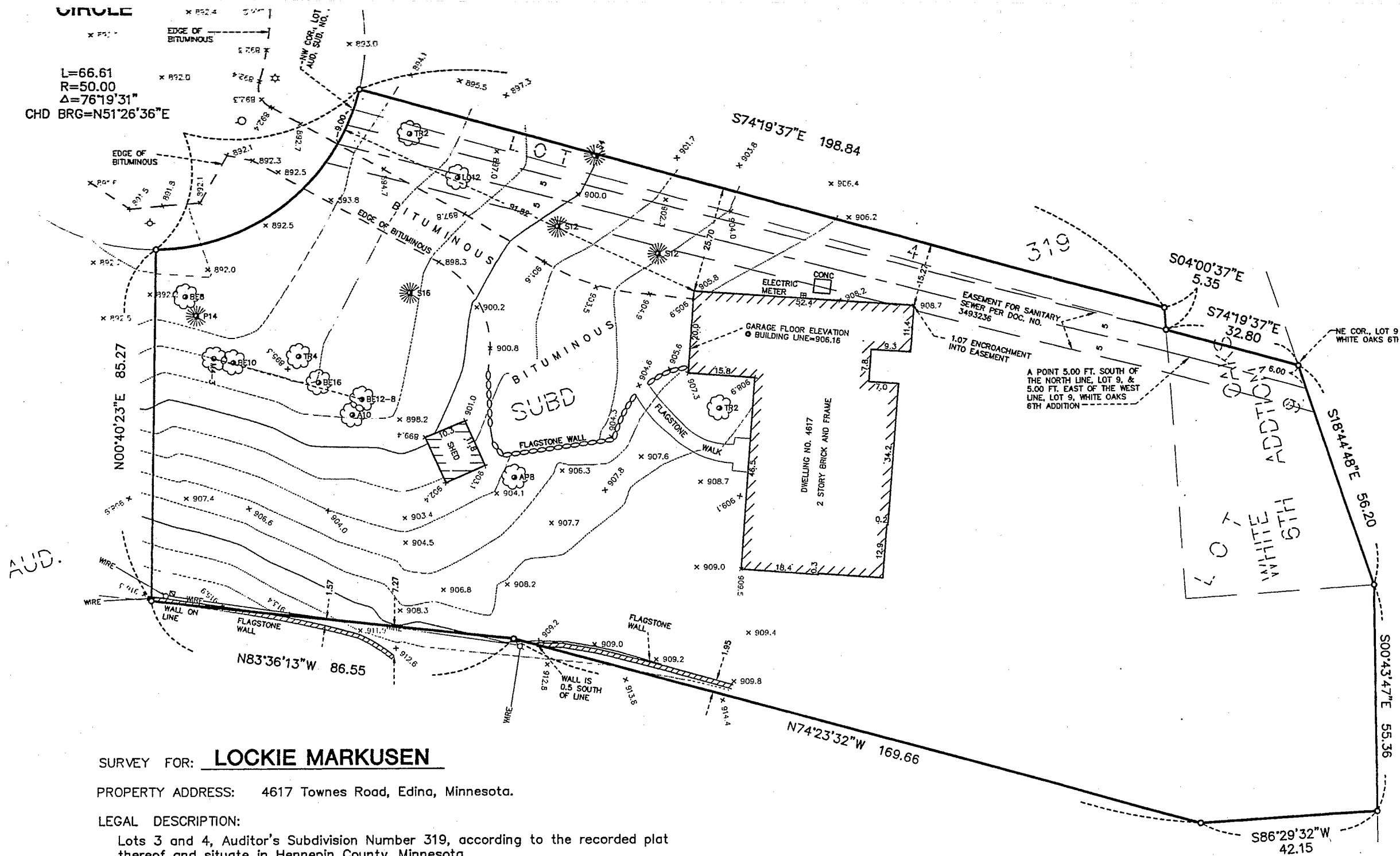
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